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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/638,218

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Abhishek Singh

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11/16/2005

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EXAMINER

NGUYEN, NAM V

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/638,218	SINGH, ABHISHEK	
	Examiner	Art Unit	
	Nam V. Nguyen	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed August 29, 2005.

An amendment to the claims 1-2, 6, 9, 13, 16 and 19 has been entered and made of record in the application of Singh for a "secure authentication of a user to a system and secure operation thereafter" filed August 07, 2003.

The new set of claims 21-23 are introduced.

Claims 1-23 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "the machine" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Examiner believes that the receiver integrated within the vehicle.

Referring to claims 22-23 are rejected as being dependent upon a rejected Claim 21 above.

Response to Arguments

In view of applicant's amendment to amend the claims 2 to obviate the §112 rejections, therefore, examiner has withdrawn the rejection under 35 U.S.C §112, second paragraph.

Applicant's amendment and argument with respect to the pending claims 1-20 filed August 29, 2005, are persuasive. Therefore, the examiner has withdrawn the rejections.

Applicant's amendment and arguments with respect to claims 21-23, filed August 29, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsukawa et al. (US# 6,710,700) in view of Kataoka (US# 6,515,575).

Referring to claim 21, Tatsukawa et al. disclose a method for providing secure authentication to operate a vehicle (2) (column 1 line 45 to column 2 line 62; see Figures 1 to 11), the method comprising:

Authenticating a user to a proximity device (1) (i.e. an electronic key transmitter) (column 5 line 46 to column 6 line 5; see Figure 2);

Authenticating the proximity device (2) to a receiver (31) of a vehicle (2), the receiver (31) integrated within the machine (21) (i.e. an electronic key receiver circuitry of a vehicle 2) (column 6 line 6 to column 7 line 20; see Figures 2 to 4);

Upon successful authentication, initiating operation of the vehicle (2) (column 7 lines 21 to column 9 line 43; see Figures 2-7).

However, Tatsukawa et al. did not explicitly disclose Intermittently communicating between the proximity device and the receiver to verify whether the proximity device is within continued proximity of the vehicle.

In the same field of endeavor of authenticating a user of a portable device, Kataoka teaches that intermittently communicating (i.e. restart verification again within a predetermined time) between the proximity device (10) and the receiver (240) to verify whether the proximity device (10) is within continued proximity (i.e. within distance) of the system (20) (column 8 lines 10 to 28; see Figures 3-4) in order to allow to use of the system continuously.

One of ordinary skilled in the art recognizes the need to re-verify a user-authenticating device of Kataoka in a transmitter verification process of a vehicle key system of Tatsukawa et al. because Tatsukawa et al. suggests it is desired to verify an electronic key transmitter

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continuously in a vehicle key system (column 9 lines 8 to 25; see Figure 7) and Kataoka teaches that the portable data-communication terminal continuously verify the user-authenticating device (column 8 lines 10 to 28) in order to protect the data within a portable data-communication terminal. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made re-verify a user-authenticating device of Kataoka in a transmitter verification process of a vehicle key system of Tatsukawa et al. with the motivation for doing so would have been to provide more secure and to allow to operate a vehicle key system.

Referring to claim 22, Tatsukawa et al. in view of Kataoka disclose a method of claim 22, Tatsukawa et al. disclose wherein the vehicle comprises one of the following: an automobile (column 5 lines 46 to 59; see Figures 1-2).

Allowable Subject Matter

Claims 1-20 are allowed.

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 1, 9, 16, and 23, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations if the proximity

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device has not authenticated the user after a predetermined number of attempts, garbling authentication algorithms stored in the proximity device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen
November 14, 2005



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

